

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

CR-03-145-GF-BMM-01

Plaintiff,

vs.

RONNIE LYNN SMITH, SR.,

Defendant.

**FINDINGS AND  
RECOMMENDATIONS TO  
REVOKE DEFENDANT'S  
SUPERVISED RELEASE**

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**I. Synopsis**

The United States accused Mr. Smith of violating his conditions of supervised release by (1) failing to report for substance abuse treatment, (2) failing to report for substance abuse testing, and (3) testing positive for opiates and methamphetamine on two occasions. Mr. Smith's supervised release should be revoked. He should be sentenced to 12 months of custody, with no supervised release to follow.

**II. Status**

In February 2004, a jury found Mr. Smith guilty of Assault with a Dangerous Weapon. (Doc. 67.) United States District Court Judge Sam E. Haddon sentenced Mr. Smith to 120 months in custody and three years of

supervised release. (Doc. 74.) Mr. Smith began his first term of supervised release on January 15, 2013.

On February 4, 2015, United States District Court Judge Brian Morris revoked Mr. Smith's supervised release because he violated the conditions of his release by failed to report to his probation officer, failed to follow the instructions of his probation officer, used controlled substances, and used alcohol. Judge Morris sentenced Mr. Smith to eight months of custody and twenty-four months of supervised release. (Doc. 144.) Mr. Smith's next term of supervised release began on July 28, 2015. (Doc. 147.)

On August 11, 2015, the United States Probation Office submitted a Report on Offender under Supervision, notifying the Court that Mr. Smith had submitted a urine sample that tested positive for methamphetamine. (Doc. 146.)

On November 24, 2015, Judge Morris revoked Mr. Smith's supervised release because he used prohibited substances and failed to report for substance abuse testing. (Doc. 154.) Judge Morris sentenced Mr. Smith to twelve months in custody, with twelve months of supervised release to follow. (*Id.*) He began his current term of supervised release on October 11, 2016.

On January 23, 2017, the Probation Office filed a Report on Offender Under Supervision informing the Court that Mr. Smith failed to comply with substance

abuse testing and tested positive for opiates. (Doc. 158.)

### **Petition**

On March 9, 2017, the Probation Office filed a petition asking the Court to revoke Mr. Smith's supervised release because he allegedly violated the conditions of his supervised release by (1) failing to report for substance abuse treatment, (2) failing to report for substance abuse testing, and (3) testing positive for opiates and methamphetamine on two occasions. (Doc. 159.) Based on the petition, the Judge Morris issued a warrant for Mr. Smith's arrest. (Doc. 160.)

### **Initial appearance**

Mr. Smith appeared before the undersigned on April 25, 2017, in Great Falls, Montana, for an initial appearance. Federal Defender Evangelo Arvanetes accompanied him at the initial appearance. Assistant United States Attorney Bryan Dake represented the United States.

Mr. Smith said he had read the petition and understood the allegations. Mr. Smith waived the preliminary hearing, and the parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

Mr. Smith admitted that he violated the conditions of his supervised release. The violations are serious and warrant revocation of Mr. Smith's supervised

release.

Mr. Smith's violation grade is Grade C, his criminal history category is VI, and his underlying offense is a Class C felony. He could be incarcerated for up to twenty-four months. He could be ordered to remain on supervised release for sixteen months, less any custody time imposed. The United States Sentencing Guidelines call for eight to fourteen months in custody.

Mr. Arvanetes recommended a sentence of twelve months of custody with no supervised release to follow. Mr. Dake agreed with Mr. Arvanetes's recommendation. Mr. Smith addressed the Court and said he is an addict.

### **III. Analysis**

Mr. Smith's supervised release should be revoked because he admitted violating its conditions. Mr. Smith should be sentenced to twelve months of custody, with no supervised release to follow. This sentence would be sufficient given the serious violation of the Court's trust, but it would not be greater than necessary.

### **IV. Conclusion**

Mr. Smith was advised that the above sentence would be recommended to Judge Morris. Mr. Smith waived his right to appeal this decision.

The Court **FINDS:**

Ronnie Lynn Smith, Sr., violated the conditions of his supervised release by (1) failing to report for substance abuse treatment, (2) failing to report for substance abuse testing, (3) testing positive for opiates and methamphetamine on two occasions.

The Court **RECOMMENDS:**

The District Court should enter the attached Judgment, revoking Mr. Smith's supervised release and committing Mr. Smith to the custody of the United States Bureau of Prisons for twelve months, with no supervised release to follow.

Dated the 4th day of May 2017.



John Johnston  
United States Magistrate Judge